

1 HONORABLE JOHN C. COUGHENOUR
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 UNITED STATES OF AMERICA,)
10 Plaintiff,) NO. CR05-181JCC
11 v.)
12 GERALD ALAN SHERMAN,) ORDER GRANTING MOTION
13 Defendant.) TO CONTINUE TRIAL DATE
14

15 This matter having come before the Court on the motion of Defendant Gerald Alan
16 Sherman for a continuance of the trial date, the Court having considered the motion, as
17 well as the response of the United States of America, by and through John McKay,
18 United States Attorney, and J. Tate London, Assistant United States Attorney for the
19 Western District of Washington, and the Court having heard oral argument of the parties'
20 attorneys,

21 The Court hereby makes the following findings and enters the following order:

22 1. Defendant Gerald Alan Sherman was arrested and arraigned on May 5,
23 2005. He has been in custody at FDC SeaTac since that date. On June 14, 2005, the
24 Court ordered his release, with conditions, pending trial.

25 2. On June 2, 2005, Defendant moved for a continuance of the June 27, 2005
26 trial date.

27 3. In the motion, Defendant's attorney estimated that a trial of this matter
28 would take approximately 3 - 4 weeks. Defendant's attorney represented to the Court that

1 the complexity of this fraud case involving an array of financial transactions, the volume
2 of discovery all ready produced by the government, his scheduling conflicts, and the time
3 required for trial preparation, are all factors that taken together warrant a continuance of
4 the trial date. The Court adopts these representations as facts for purposes of ruling on the
5 motion.

6 4. The government, in its response to the motion, neither stipulated to nor
7 opposed a trial continuance.

8 5. Defendant has waived his right to a speedy trial and has agreed to file a
9 written waiver of speedy trial with the Court.

10 6. The Court further finds that the ends of justice outweigh the best interest of
11 the public and the defendant in a speedy trial, and that a failure to grant a continuance
12 under these circumstances would result in a miscarriage of justice;

13 Based on these findings of fact,

14 IT IS HEREBY ORDERED that the trial date is continued from June 27, 2005 to
15 November 28, 2005.

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1 IT IS FURTHER ORDERED that pursuant to Title 18, United States Code,
2 Section 3161(h), the period of time from the current trial date to the new trial date is excluded
3 in the computation of time under the Speedy Trial Act.

4 DATED this 21st day of June 2005.

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UNITED STATES DISTRICT JUDGE

Presented by:

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